

Jack Quinn

From: gkekst [gershon-kekst@██████████]
Sent: Wednesday, January 24, 2001 12:08 PM
To: 'Avner'
Cc: Robert F. Fink (E-mail); Jack Quinn (E-mail)
Subject: RE: NY Times

I believe the paper is being dealt withand has been...

Gershon

-----Original Message-----

From: Avner [mailto:azulrich@██████████]
Sent: Wednesday, January 24, 2001 9:54 AM
To: gkekst; quinn jack; Fink, Robert - NY; behan kathleen
Cc: Rich, Marc
Subject: NY Times

Zev Furst called me to inform that the NY Times has assigned a team of 5 of its top investigative reporters to work on the case. There seems to be a political slant. He thinks this can get out of hand although it cannot be turned around. He advises to connect us with a senior NY Times reporter - Eichenwald and have a meeting with him in Europe somewhere and give him our best version. He is a tough man but decent - according to Furst. He proposes that we don't let this to blow out of proportion. Please advise. I'd appreciate a call from Gershon.

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Jack Quinn

From: Jack Quinn
Sent: Saturday, January 27, 2001 3:11 PM
To: 'gkekst'
Subject: RE: NY Times

fink, green and people from my ofc are going to do a conf call at 5pm today to discuss russert show i'm doing with the mayor. would love to have you on that call. dial-in is [REDACTED], pin # [REDACTED], coordinator is scott.

-----Original Message-----

From: gkekst [mailto:gershon-kekst@[REDACTED]]
Sent: Thursday, January 25, 2001 8:40 AM
To: 'Avner'
Cc: Robert F. Fink (E-mail); Jack Quinn (E-mail)
Subject: RE: NY Times
Importance: High

The reporter at the ny times is Allison cowan working with Johnny apple. A senior, well-experienced team. They have met with jack and I believe you should run this past him. Unless there is strong evidence , they are not likely to fabricate a story. Is there any trace of evidence ?? lenzner told me that forbes believes milkin should have been pardoned and he wanted to do a piece contrasting the two and showing that if mike didn't deserve one certainly m.,r. didn't either. Talk with fink about him. PLEASE be careful about letting so many people talk with reporters.....all that is being accomplished is that, however 'well-intentioned' they stir the story and keep it cooking !! we are a stage now at which the story is being kept alive be wannabe heroes.

EXHIBIT

142

DICKSTEIN, SHAPIRO MORIN & OSKINSKY LLP
2101 L Street NW • Washington, DC 20037-1526 • Tel (202) 785-9700 • Fax (202) 887-0689
Federal Tax ID 53-0246695

Robert F. Fink, Esq.
Piper & Marbury, LLP
1251 Avenue of the Americas
New York, NY 10020-1104

December 12, 2000
Client/Matter No. M0375.0000
Invoice No. 2025426

FOR PROFESSIONAL SERVICES RENDERED through November 30, 2000:

Re: M&P Securities
General

Timekeeper	Rate	Hours	Amount
M Green	350.00	9.00	3,150.00
P Kadzik	350.00	1.00	350.00
Totals		10.00	3,500.00

TOTAL FEES \$ 3,500.00

TOTAL FEES AND COSTS \$ 3,500.00

TOTAL DUE UPON RECEIPT \$ 3,500.00

1/5/0
29

DSM0059

Your Bank may wire transfer by the U.S. Federal Reserve Wire System to:
Bank of America, Washington D.C. Transit Code # [REDACTED] for Credit to Dickstein Shapiro Morin &
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Invoices are payable upon receipt.

PENGAD-Bayonne, N. J.

EXHIBIT

143

Re: General
M0375.0000

Date	Attorney	Description	Hours	Amount
11/28/00	M Green	Telephone conversation with RFF; telephone conversation with SL regarding pardon application; document review	1.50	525.00
11/29/00	M Green	Meeting with JQ, KB and RFF; document review regarding pardon application; meeting with P. Kadzik	5.50	1,925.00
11/29/00	P Kadzik	Conference with M.Green re: application issues and communications with Administration.	1.00	350.00
11/30/00	M Green	Telephone conversation with RFF; document review regarding pardon petition	2.00	700.00
TOTAL FEES			\$	3,500.00
TOTAL FEES AND COSTS			\$	<u>3,500.00</u>

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
2101 L Street NW • Washington, DC 20037-1526 • Tel (202) 785-9700 • Fax (202) 887-0689
Federal Tax ID [REDACTED]

REMITTANCE PAGE

Robert F. Fink, Esq.
Piper & Marbury, LLP
1251 Avenue of the Americas
New York, NY 10020-1104

December 12, 2000
Client/Matter No. M0375.0000
Invoice No. 2025426

Remit To:

Dickstein Shapiro Morin & Oshinsky LLP
2101 L Street NW
Washington, DC 20037-1526
Attn. Accounts Receivable

FOR PROFESSIONAL SERVICES RENDERED through November 30, 2000:

TOTAL FEES	\$ 3,500.00
TOTAL FEES AND COSTS	<u>\$ 3,500.00</u>
TOTAL DUE UPON RECEIPT	<u>\$ 3,500.00</u>

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DSM0061

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
2101 L Street NW • Washington, DC 20037-1526 • Tel (202) 785-9700 • Fax (202) 887-0689
Federal Tax ID [REDACTED]

Robert F. Fink, Esq.
Piper & Marbury, LLP
1251 Avenue of the Americas
New York, NY 10020-1104

February 13, 2001
Client/Matter No. M0375.0000
Invoice No. 2028257

FOR PROFESSIONAL SERVICES RENDERED through January 31, 2001:

Re: General

OUTSTANDING BALANCE	\$ 3,500.00
PAYMENTS RECEIVED SINCE PREVIOUS STATEMENT	\$ <u>(3,500.00)</u>
BALANCE FORWARD	\$.00
TOTAL FEES	\$ 91,207.00
OTHER SERVICES AND EXPENSES	\$ <u>375.22</u>
TOTAL FEES AND COSTS	\$ <u>91,582.22</u>
TOTAL DUE UPON RECEIPT	\$ <u>91,582.22</u>

Your Bank may wire transfer by the U.S. Federal Reserve Wire System to:
Bank of America, Washington D.C. Transit Code # [REDACTED] for Credit to Dickstein Shapiro Morin & Oshinsky LLP
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Invoices are payable upon receipt.

DSM0062

Re: General
M0375.0000

Date	Attorney	Description	Hours
12/01/00	P Kadzik	Telecon with J.Quinn re: application.	.50
12/01/00	M Green	Document review and revisions regarding pardon petition; telephone conversation with RFF; meeting with PK	5.00
12/03/00	M Green	Document review and revisions regarding pardon petition; telephone conversation with RFF	5.50
12/04/00	M Green	Document review and revisions regarding pardon petition; telephone conversation with RFF; telephone conversation with PK	6.50
12/04/00	P Kadzik	Conference with M.Green re: application.	.20
12/05/00	M Green	Telephone conversation with RFF and KB; meeting with RFF and KB; document review and revisions regarding pardon petition	10.50
12/06/00	M Green	Document review and revisions regarding pardon petition; telephone conversation with RFF; telephone conversation with KB and RFF; telephone conversation with KB	11.00
12/07/00	M Green	Document review and revisions regarding pardon petition; telephone conversation with RFF; telephone conversation with RFF and KB	11.50
12/08/00	P Kadzik	Conference with M.Green re: application.	.50
12/08/00	M Green	Document review and revisions regarding pardon petition; meeting with RFF, AA and KB; meeting with PK; telephone conversation with RFF	12.50
12/09/00	M Green	Document review and revisions regarding pardon petition; telephone conversation with RFF	5.50
12/10/00	M Green	Telephone conversation with PK; document review and revisions regarding pardon petition; meeting with PK; meeting with RFF, KB and AA	13.00
12/10/00	P Kadzik	Reviewed and commented on draft application; telecon and conference with M.Green re: application.	1.50
12/11/00	M Green	Telephone conversation with KB; telephone conversation with RFF and KB; meeting with RFF and AA; document review and revisions regarding pardon petition	3.50
12/12/00	M Green	Meeting with PK; telephone conversation with RFF; document review regarding pardon petition	1.50

Re: General
M0375.0000

Date	Attorney	Description	Hours
12/12/00	P Kadzik	Review of final version of petition; telecon with JDP re: status; conference with M.Green re: status	1.00
REDACTED			
12/13/00	M Green	Telephone conversation with RFF; document review	1.00
12/18/00	M Green	Telephone conversation with RFF regarding pardon issues; document review regarding same	1.50
12/22/00	M Green	Telephone conversation with RFF; document review regarding pardon issues	1.00
12/26/00	M Green	Telephone conversation with RFF; document review regarding pardon issues; telephone conversation with RFF	1.00
12/28/00	M Green	Telephone conversation with RFF regarding pardon issues	.20
01/02/01	M Green	Meeting with PK; telephone conference with RFF	.50
01/02/01	P Kadzik	Telecons and conferences with M.Green and JDP re: status of pardon application REDACTED	1.00
01/03/01	P Kadzik	Telecon with M.Green re: status of pardon application REDACTED	.30
01/03/01	M Green	Telephone conversation with KFF and JQ; telephone conversation with RFF; document review; telephone conversation with PK	1.00
01/04/01	M Green	Telephone conversation with PK; document review regarding pardon	1.00
01/05/01	M Green	Telephone conversation with RFF; telephone conversation with PK; document review regarding pardon issues; telephone conversation with RFF; telephone conversation with PK	2.50
01/06/01	P Kadzik	Prepared for and conferences with JDP and M.Green re: pardon application.	1.50
01/06/01	M Green	Meeting with PK; document review regarding pardon issues; telephone conversation with RFF	1.00
01/08/01	M Green	Telephone conversation with JQ; document review regarding pardon issue; telephone conversation with RFF; telephone conversation with PK	1.00
01/16/01	P Kadzik	Telecon with JDP and M.Green re: status of application.	.50
01/16/01	M Green	Telephone conversation with PK; telephone	.50

Re: General
M0375.0000

Date	Attorney	Description	Hours
		conversation with RFF	
01/18/01	M Green	Telephone conversation with RFF; document review regarding pardon issues; telephone conversation with RFF and P. Rodgers regarding same; telephone conversation with PK; telephone conversation with RFF and KB; telephone conversation with RFF; research regarding pardon issues	4.00
01/18/01	P Kadzik	REDACTED re: pardon; telecons with WHO.	1.00
01/19/01	P Kadzik	Telecons with WHO and M.Green re: status of pardon applications.	.50
01/19/01	M Green	Telephone conversation with RFF; document review and research regarding pardon issues; telephone conversation with JQ, RFF and KB; telephone conversation with RFF; telephone conversation with PK	6.50
01/20/01	P Kadzik	Telecons with WHO and M.Green re: pardon.	.50
01/20/01	M Green	Telephone conversation with RFF, JQ and MR; telephone conversation with PK; document review	3.00
01/21/01	M Green	Telephone conversation with RFF; document review regarding pardon issues	2.00
01/22/01	M Green	Telephone conversation with RFF and Mr; telephone conversation with RFF, JQ, GK and KB; telephone conversation with RFF and LG; telephone conversation with BK; telephone conversation with RFF; document review; telephone conversation with R. Adams (pardon attorney); telephone conversation with JQ and RFF; document review	6.50
01/23/01	M Green	Document review; meeting with RFF; telephone conversation with LG; telephone conversation with MG; meeting with KB and RFF; telephone conversation with RFF and BR; telephone conversation with RFF;	9.50
		REDACTED	
01/23/01	P Kadzik	Telecons with M.Green re: REDACTED	.30
01/24/01	M Green	Telephone conversation with MG; telephone conversation with BW; meeting with JQ, KB and RFF; document review; attend NYT interview	11.00

Re: General
M0375.0000

Date	Attorney	Description	Hours
01/24/01	P Kadzik	Telecons with M.Green re: REDACTED	.30
01/25/01	M Green	Meeting with JQ and BR; telephone conversation with RFF and AD; W. Post interview; WSJ interview; Time interview; document review; REDACTED ; meeting with JQ and KB	12.50
01/25/01	A Zausner	Telephone call with M. Green; office conference with M. Green.	.50
01/26/01	A Zausner	Telephone conferences with M. Green and S. Parris; reviewed materials.	1.20
01/26/01	M Green	Telephone conversation with MR; telephone conversation with BR; telephone conversation with KB; meeting with JQ; document review; meeting with JQ and KB; telephone conversation with PK; telephone conversation with AZ; meeting with LDG; (redacted) telephone conversation with LG; WSJ interview; People interview; telephone conversation with RFF; telephone conversation with BR and AD; telephone conversation with JQ	11.00
01/26/01	L Garr	REDACTED	6.40
01/26/01	P Kadzik	Telecons with M.Green and former WHO staff re: REDACTED	1.00
01/26/01	S Parris	Telephone conferences with A. Zausner re: REDACTED	.50
01/27/01	M Green	Telephone conversation with RFF; telephone conversation with LG; document review; telephone conversation with BW; telephone conversation with JQ, RFF, BR, KB and QG staff; telephone conversation with JQ	7.50
01/28/01	M Green	Telephone conversation with MR; telephone conversation with JQ; telephone conversation with KB; telephone conversation with BW; telephone conversation with JQ and BR; telephone conversation with MR; telephone conversation with G. Fields (WSJ); telephone conversation with JQ; document review; telephone conversation with RFF	4.50
01/29/01	M Green	Document review; telephone conversation with RFF, AD and BR;; telephone conversation with	10.50

Re: General
M0375.0000

Date	Attorney	Description	Hours
		JQ, KB, RFF, BR and AD; telephone conversation with LG; telephone conversation with RFF, JQ and AD; 1 REDACTED telephone conversation with KB; telephone conversation with BR; telephone conversation with JQ, RFF and AD; telephone conversation with AZ	
01/29/01	L Garr	1 REDACTED	4.70
01/30/01	A Zausner	Reviewed article; office conference with R. Conway.	.50
01/30/01	P Kadzik	Telecons with J.Quinn, M.Green and former WHO staff re: REDACTED	1.00
01/30/01	L Garr	REDACTED	8.10
01/30/01	M Green	Document review; telephone conversation with RFF; telephone conversation with BW; telephone conversation with PK; meeting with JQ; telephone conversation with BR; telephone conversation with KB; telephone conversation with RFF and AD; telephone conversation with LG; telephone conversation with JQ, RFF and AD; REDACTED	12.00
01/31/01	M Green	Document review; meeting with RFF; meeting with JQ; telephone conference with KB; meeting with JQ, KB and RFF, I. Rogovin and J. Bash regarding REDACTED telephone conversation with PK; telephone conversation with BR; telephone conversation with BR and RFF	11.50
01/31/01	L Garr	REDACTED	5.10

Re: General
M0375.0000Invoice No. 2028257
M&P Securities
Page 7

Timekeeper	Rate	Hours	Amount
A Zausner	450.00	2.20	990.00
L Garr	375.00	24.30	9,112.50
M Green	375.00	119.50	44,812.50
M Green	350.00	90.70	31,745.00
P Kadzik	380.00	7.90	3,002.00
P Kadzik	350.00	3.70	1,295.00
S Parris	500.00	.50	250.00
Totals		248.80	91,207.00

TOTAL FEES \$ 91,207.00

Costs	Amount
Business Meals	60.08
Courier	10.58
Duplicating	24.80
Fax	139.50
Local Transportation	64.00
Telephone	76.26
Total	375.22

OTHER SERVICES AND EXPENSES \$ 375.22

TOTAL FEES AND COSTS \$ 91,582.22

REMITTANCE PAGE

Robert F. Fink, Esq.
Piper & Marbury, LLP
1251 Avenue of the Americas
New York, NY 10020-1104

February 13, 2001
Client/Matter No. M0375.0000
Invoice No. 2028257

Remit To:

Dickstein Shapiro Morin & Oshinsky LLP
2101 L Street NW
Washington, DC 20037-1526
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DSM0069

Fink, Robert - NY

From: Fink, Robert - NY
Sent: Tuesday, January 09, 2001 3:57 PM
To: 'Jack Quinn'
Subject: RE: Herald Tribune

Agreed.

-----Original Message-----

From: Jack Quinn [SMTP:JQuinn@
Sent: Tuesday, January 09, 2001 1:12 PM
To: 'Fink, Robert - NY'; 'Gershon Kekst'
Cc: Jack Quinn
Subject: RE: Herald Tribune

i think we've benefitted from being under the press radar. podesta said as much.

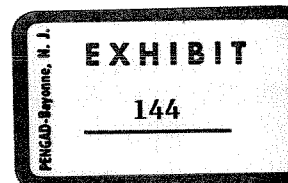
-----Original Message-----

From: Fink, Robert - NY [mailto:robert.fink@
Sent: Tuesday, January 09, 2001 12:21 PM
To: 'Gershon Kekst'
Cc: 'Jack Quinn'
Subject: Herald Tribune

Marc heard today from a friend in Paris that a reporter named Joseph Sitches of the Herald Tribune was going to write a story on the people who were (adversely) affected by Rudy Giuliani. Apparently, Marc will be among those about whom he deals, although he has not attempted to reach Marc. Basically, Marc was interested in your reaction to this (and no doubt your judgement on whether we should try to be helpful and volunteer information), which led to a discussion on whether we seek any publicity about the pardon application if we do not succeed (something you were thinking about when we were last together) or even if we attempt to do something now. I explained that we did not want publicity now. He understands that is our view. I look forward to hearing from you.
Bob

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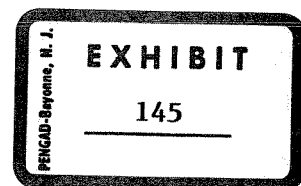


PMR&W 00158

Fink, Robert - NY

From: Fink, Robert - NY
Sent: Friday, January 19, 2001 12:36 PM
To: 'Avner Azulay'; 'Mike Green'; 'Kitty Behan'

I just spoke to Jack. He has not heard from the President, but agreed to call him as soon as he gets to a hard line phone (he was in the car). He said that the SEC knows of the request and for some reason opposed it. But not like they opposed Milken. He does not know how they learned of it. (He found out when the head of the SEC gave one of his partners a hard time about Marc yesterday.). We agree that is not good and that maybe the SDNY knows too, but we have no information on it. No other pardons have been announced yet, as far as we know. Bob



PMR&W 00180



JQuinn@ [REDACTED] on 11/18/2000 11:39:32 AM

To: Kathleen Behan [REDACTED], robert.fink@ [REDACTED]
gershon-kekst@ [REDACTED]

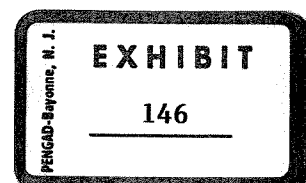
cc:

Subject: eric

spoke to him last evening. he says go straight to wh. also says timing is good. we shd get in soon. will elab when we speak.

-----Original Message-----

From: Kathleen_Behan [REDACTED]
Sent: Saturday, November 18, 2000 11:24 AM
To: JQuinn [REDACTED]
Subject: Re: Depo



A0565

Jack Quinn, Esq.
1133 Connecticut Avenue, N.W.
2nd Floor
Washington, D.C. 20009
[REDACTED]

December 11, 2000

President William Jefferson Clinton
The White House
1600 Pennsylvania Avenue
Washington, D.C.

Dear Mr. President:

I am personally delivering this Application for Pardon for Marc Rich and Pincus Green because almost two decades of using ordinary channels have led this matter to an impasse. I appear in this matter pursuant to Executive Order No. 12834. Far more importantly, I appear because I am absolutely certain that a grave injustice has been done that can only be rectified by you through an act of Executive Clemency.

Following a highly publicized and aggressive investigation, Mr. Rich and Mr. Green and two of their firms were indicted primarily on tax, energy and RICO charges in 1983 by the U.S. Attorney in New York, Rudolph Giuliani. Because Mr. Rich and Mr. Green did not come to this country from Switzerland, they were never tried or convicted. The charges in the indictment were unprecedented and unique, as they have never been brought against others similarly situated. However, the firms, which were under enormous pressure from restraints on their assets and threats of RICO forfeiture, settled and effectively paid almost 200 million dollars.

Since then, two of the most respected tax professors in the country concluded that the tax returns were correct as filed, and Justice Department Guidelines put in effect after the indictment and still in effect today bar most of the other serious charges made in the indictment. Moreover, the indictment is inconsistent with other positions taken by the Government.



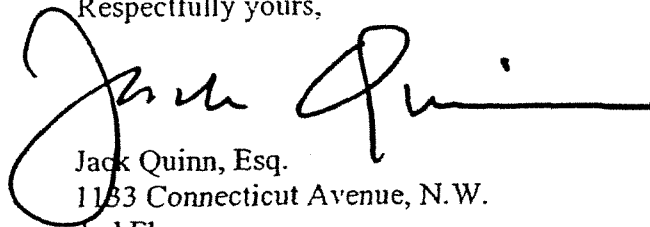
Despite this, Mr. Rich's and Mr. Green's efforts at meaningful dialogue with prosecutors over the last two decades have been rebuffed -- unless Mr. Rich and Mr. Green first come to the United States for an arraignment. A fair trial, however, appears highly unlikely: the prejudicial press coverage -- broadcast nationally, and fueled by the prosecutors' own press conferences -- has simply been too one-sided, inflammatory, and extensive.

A pardon in the interests of justice is a reasonable end to all this. The indictment is seventeen years old and unfair by objective legal standards. Exile for two decades has been punishment without trial or resolution. And there is, frankly, an extraordinary amount to say about the exemplary contributions by Mr. Rich and Mr. Green to humanitarian and charitable causes this country encourages and admires—all told, over \$200 million throughout the world; contributions made over decades without any effort at publicity.

The pardon application comes with support from world figures you know. The extraordinary humanitarian and charitable support from Mr. Rich and Mr. Green is documented.

I believe this application is worth your close attention; indeed, I believe a great injustice has been done which you alone can remedy. Naturally, I am available to answer any questions you may have.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Jack Quinn", with a long horizontal flourish extending to the right.

Jack Quinn, Esq.
1133 Connecticut Avenue, N.W.
2nd Floor
Washington, D.C. 20009

cc: Beth Nolan, Esq.
Bruce Lindsey, Esq.

**VERBATIM NOTES OF NON-REDACTED PORTIONS OF
TRANSCRIPTS OF CLINTON/BARAK CONVERSATIONS**
From late-2000 and early-2001

(1) December 11, 2000, 6:17 – 6:36 p.m. (in the Residence):

(notetakers: Jenny McGee, Sean Tarver, Deana Sutliff, Rob Hargis, John Sherman)

(begins with 3 pages of redactions)

Prime Minister Barak: Okay, thank you. One last remark. There is an American Jewish businessman living in Switzerland and making a lot of philanthropic contributions to Israeli institutions and activities like education, and he is a man called Mark [sic] Rich. He violated certain rules of the game in the United States and is living abroad. I just wanted to let you know that here he is highly appreciated for his support of so many philanthropic institutions and funds, and that if I can, I would like to make my recommendation to consider his case.

President Clinton: I am going to take all of them up at the same time. I know about that case because I know his ex-wife. She wants to help him, too. If your ex-wife wants to help you, that's good.

Prime Minister Barak: Oh. I know his new wife only, an Italian woman, very young. Okay. So, Mr. President, thank you very much. We will be in touch.

(redactions to end at page 5)

(2) January 8, 2001, 5:57 – 6:15 p.m. (in the Oval Office):

(notetakers: Joel Ehrenreich, Clark Lystra, Brad Mynatt, Michael Manning, Bob Schubert)

(begins with 4 pages of redactions)

Prime Minister Barak: Let me tell you last but not least two names I want to mention. [Redacted] The second is Mark [sic], the Jewish American.

President Clinton: I know quite a few things about that. I just got a long memo and am working on it. It's best that we not say much about that.

Prime Minister Barak: Okay. I understand. I'm not mentioning it in any place.

President Clinton: I understand.

Prime Minister Barak: I believe it could be important [gap] not just financially, but he helped Mossad on more than one case.

President Clinton: It is a bizarre case, and I am working on it.

Prime Minister Barak: Okay. I really appreciate it.

(1 paragraph redacted at the end)

(3) January 19, 2001, 2:47 – 3:09 p.m. (in the Oval Office):

(interpreter: Gamal Helal; notetakers: Don Gentile, Bob Schubert, Rob Willans, Rob Hargis, John Sherman)

(begins with 1 1/2 pages redacted)

President Clinton: [Redacted] I'm trying to do something on clemency for Rich, but it is very difficult.

Prime Minister Barak: Might it move forward?

President Clinton: I'm working on that but I'm not sure. I'm glad you asked me about that. When I finish these calls, I will go back into the meeting on that but I'm glad you raised it. Here's the only problem with Rich; there's almost no precedent in American history. There's nothing illegal about it but there's no precedent. He was overseas when he was indicted and never came home. The question is not whether he should get it or not but whether he should get it without coming back here. That's the dilemma I'm working through. I'm working on it.

Prime Minister Barak: Okay.

(1 1/2 pages redacted to the end)

Presidential Documents

Title 3—

Executive Order 12834 of January 20, 1993

The President

Ethics Commitments by Executive Branch Appointees

By the authority vested in me as President of the United States by the Constitution and laws of the United States of America, including section 301 of title 3, United States Code, and sections 3301 and 7301 of title 5, United States Code, it is hereby ordered as follows:

Section 1. *Ethics Pledges.* (a) Every senior appointee in every executive agency appointed on or after January 20, 1993, shall sign, and upon signing shall be contractually committed to, the following pledge ("senior appointee pledge") upon becoming a senior appointee:

"As a condition, and in consideration, of my employment in the United States Government in a senior appointee position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

"1. I will not, within five years after the termination of my employment as a senior appointee in any executive agency in which I am appointed to serve, lobby any officer or employee of that agency.

"2. In the event that I serve as a senior appointee in the Executive Office of the President ('EOP'), I also will not, within five years after I cease to be a senior appointee in the EOP, lobby any officer or employee of any other executive agency with respect to which I had personal and substantial responsibility as a senior appointee in the EOP.

"3. I will not, at any time after the termination of my employment in the United States Government, engage in any activity on behalf of any foreign government or foreign political party which, if undertaken on January 20, 1993, would require me to register under the Foreign Agents Registration Act of 1938, as amended.

"4. I will not, within five years after termination of my personal and substantial participation in a trade negotiation, represent, aid or advise any foreign government, foreign political party or foreign business entity with the intent to influence a decision of any officer or employee of any executive agency, in carrying out his or her official duties.

"5. I acknowledge that the Executive order entitled 'Ethics Commitments by Executive Branch Appointees,' issued by the President on January 20, 1993, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Federal Government service."

(b) Every trade negotiator who is not a senior appointee and is appointed to a position in an executive agency on or after January 20, 1993, shall (prior to personally and substantially participating in a trade negotiation) sign, and upon signing be contractually committed to, the following pledge ("trade negotiator pledge"):

"As a condition, and in consideration, of my employment in the United States Government as a trade negotiator, which is a position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

"1. I will not, within five years after termination of my personal and substantial participation in a trade negotiation, represent, aid or advise any foreign government, foreign political party or foreign business entity with the intent to influence a decision of any officer or employee of any executive agency, in carrying out his or her official duties.

"2. I acknowledge that the Executive order entitled 'Ethics Commitments by Executive Branch Appointees,' issued by the President on January 20, 1993, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Federal Government service."

Sec. 2. Definitions. As used herein and in the pledges:

(a) "Senior appointee" means every full-time, non-career Presidential, Vice-presidential or agency head appointee in an executive agency whose rate of basic pay is not less than the rate for level V of the Executive Schedule (5 U.S.C. 5316) but does not include any person appointed as a member of the senior foreign service or solely as a uniformed service commissioned officer.

(b) "Trade negotiator" means a full-time, non-career Presidential, Vice-presidential or agency head appointee (whether or not a senior appointee) who personally and substantially participates in a trade negotiation as an employee of an executive agency.

(c) "Lobby" means to knowingly communicate to or appear before any officer or employee of any executive agency on behalf of another (except the United States) with the intent to influence official action, except that the term "lobby" does not include:

(1) communicating or appearing on behalf of and as an officer or employee of a State or local government or the government of the District of Columbia, a Native American tribe or a United States territory or possession;

(2) communicating or appearing with regard to a judicial proceeding, or a criminal or civil law enforcement inquiry, investigation or proceeding (but not with regard to an administrative proceeding) or with regard to an administrative proceeding to the extent that such communications or appearances are made after the commencement of and in connection with the conduct or disposition of a judicial proceeding;

(3) communicating or appearing with regard to any government grant, contract or similar benefit on behalf of and as an officer or employee of:

(A) an accredited, degree-granting institution of higher education, as defined in section 1201(a) of title 20, United States Code; or

(B) a hospital; a medical, scientific or environmental research institution; or a charitable or educational institution; provided that such entity is a not-for-profit organization exempted from Federal income taxes under sections 501(a) and 501(c)(3) of title 26, United States Code;

(4) communicating or appearing on behalf of an international organization in which the United States participates, if the Secretary of State certifies in advance that such activity is in the interest of the United States;

(5) communicating or appearing solely for the purpose of furnishing scientific or technological information, subject to the procedures and conditions applicable under section 207(j)(5) of title 18, United States Code; or

(6) giving testimony under oath, subject to the conditions applicable under section 207(j)(6) of title 18, United States Code.

(d) "On behalf of another" means on behalf of a person or entity other than the individual signing the pledge or his or her spouse, child or parent.

(e) "Administrative proceeding" means any agency process for rulemaking, adjudication or licensing, as defined in and governed by the Administrative Procedure Act, as amended (5 U.S.C. 551, *et seq.*).

(f) "Executive agency" and "agency" mean "Executive agency" as defined in section 105 of title 5, United States Code, except that the term includes the Executive Office of the President, the United States Postal Service and the Postal Rate Commission and excludes the General Accounting Office. As used in paragraph 1 of the senior appointee pledge, "executive agency" means the entire agency in which the senior appointee is appointed to serve, except that:

(1) with respect to those senior appointees to whom such designations are applicable under section 207(h) of title 18, United States Code, the term means an agency or bureau designated by the Director of the Office of Government Ethics under section 207(h) as a separate department or agency at the time the senior appointee ceased to serve in that department or agency; and

(2) a senior appointee who is detailed from one executive agency to another for more than sixty days in any calendar year shall be deemed to be an officer or employee of both agencies during the period such person is detailed.

(g) "Personal and substantial responsibility" "with respect to" an executive agency, as used in paragraph 2 of the senior appointee pledge, means ongoing oversight of, or significant ongoing decision-making involvement in, the agency's budget, major programs or personnel actions, when acting both "personally" and "substantially" (as those terms are defined for purposes of sections 207(a) and (b) of title 18, United States Code).

(h) "Personal and substantial participation" and "personally and substantially participates" mean acting both "personally" and "substantially" (as those terms are defined for purposes of sections 207(a) and (b) of title 18, United States Code) as an employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or other such action.

(i) "Trade negotiation" means a negotiation that the President determines to undertake to enter into a trade agreement with one or more foreign governments, and does not include any action taken before that determination.

(j) "Foreign Agents Registration Act of 1938, as amended" means sections 611-621 of title 22, United States Code.

(k) "Foreign government" means "the government of a foreign country," as defined in section 1(e) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611(e)).

(l) "Foreign political party" has the same meaning as that term in section 1(f) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611(f)).

(m) "Foreign business entity" means a partnership, association, corporation, organization or other combination of persons organized under the laws of or having its principal place of business in a foreign country.

(n) Terms that are used herein and in the pledges, and also used in section 207 of title 18, United States Code, shall be given the same meaning as they have in section 207 and any implementing regulations issued or to be issued by the Office of Government Ethics, except to the extent those terms are otherwise defined in this order.

Sec. 3. Waiver. (a) The President may grant to any person a waiver of any restrictions contained in the pledge signed by such person if, and to the extent that, the President certifies in writing that it is in the public interest to grant the waiver.

(b) A waiver shall take effect when the certification is signed by the President.

(c) The waiver certification shall be published in the **Federal Register**, identifying the name and executive agency position of the person covered by the waiver and the reasons for granting it.

(d) A copy of the waiver certification shall be furnished to the person covered by the waiver and filed with the head of the agency in which that person is or was appointed to serve.

Sec. 4. Administration. (a) The head of every executive agency shall establish for that agency such rules or procedures (conforming as nearly as practicable to the agency's general ethics rules and procedures, including those relating to designated agency ethics officers) as are necessary or appropriate:

(1) to ensure that every senior appointee in the agency signs the senior appointee pledge upon assuming the appointed office or otherwise becoming a senior appointee;

(2) to ensure that every trade negotiator in the agency who is not a senior appointee signs the trade negotiator pledge prior to personally and substantially participating in a trade negotiation;

(3) to ensure that no senior appointee or trade negotiator in the agency personally and substantially participates in a trade negotiation prior to signing the pledge; and

(4) generally to ensure compliance with this order within the agency.

(b) With respect to the Executive Office of the President, the duties set forth in section 4(a), above, shall be the responsibility of the White House Counsel or such other official or officials to whom the President delegates those duties.

(c) The Director of the Office of Government Ethics shall:

(1) subject to the prior approval of the White House Counsel, develop a form of the pledges to be completed by senior appointees and trade negotiators and see that the pledges and a copy of this Executive order are made available for use by agencies in fulfilling their duties under section 4(a) above;

(2) in consultation with the Attorney General or White House Counsel, when appropriate, assist designated agency ethics officers in providing advice to current or former senior appointees and trade negotiators regarding the application of the pledges; and

(3) subject to the prior approval of the White House Counsel, adopt such rules or procedures (conforming as nearly as practicable to its generally applicable rules and procedures) as are necessary or appropriate to carry out the foregoing responsibilities.

(d) In order to promote clarity and fairness in the application of paragraph 3 of the senior appointee pledge:

(1) the Attorney General shall, within six months after the issuance of this order, publish in the **Federal Register** a "Statement of Covered Activities," based on the statute, applicable regulations and published guidelines, and any other material reflecting the Attorney General's current interpretation of the law, describing in sufficient detail to provide adequate guidance the activities on behalf of a foreign government or foreign political party which, if undertaken as of January 20, 1993, would require a person to register as an agent for such foreign government or political party under the Foreign Agents Registration Act of 1938, as amended; and

(2) the Attorney General's "Statement of Covered Activities" shall be presumed to be the definitive statement of the activities in which the senior appointee agrees not to engage under paragraph 3 of the pledge.

(e) A senior appointee who has signed the senior appointee pledge is not required to sign the pledge again upon appointment to a different office, except that a person who has ceased to be a senior appointee, due to termination of employment in the executive branch or otherwise, shall sign the senior appointee pledge prior to thereafter assuming office as a senior appointee.

(f) A trade negotiator who is not also a senior appointee and who has once signed the trade negotiator pledge is not required to sign the pledge

again prior to personally and substantially participating in a subsequent trade negotiation, except that a person who has ceased employment in the executive branch shall, after returning to such employment, be obligated to sign a pledge as provided herein notwithstanding the signing of any previous pledge.

(g) All pledges signed by senior appointees and trade negotiators, and all waiver certifications with respect thereto, shall be filed with the head of the appointee's agency for permanent retention in the appointee's official personnel folder or equivalent folder.

Sec. 5. Enforcement. (a) The contractual, fiduciary and ethical commitments in the pledges provided for herein are enforceable by any legally available means, including any or all of the following: debarment proceedings within any affected executive agency or judicial civil proceedings for declaratory, injunctive or monetary relief.

(b) Any former senior appointee or trade negotiator who is determined, after notice and hearing, by the duly designated authority within any agency, to have violated his or her pledge not to lobby any officer or employee of that agency, or not to represent, aid or advise a foreign entity specified in the pledge with the intent to influence the official decision of that agency, may be barred from lobbying any officer or employee of that agency for up to five years in addition to the five-year time period covered by the pledge.

(1) The head of every executive agency shall, in consultation with the Director of the Office of Government Ethics, establish procedures to implement the foregoing subsection, which shall conform as nearly as practicable to the procedures for debarment of former employees found to have violated section 207 of title 18, United States Code (1988 ed.), set forth in section 2637.212 of title 5, Code of Federal Regulations (revised as of January 1, 1992).

(2) Any person who is debarred from lobbying following an agency proceeding pursuant to the foregoing subsection may seek judicial review of the administrative determination, which shall be subject to established standards for judicial review of comparable agency actions.

(c) The Attorney General is authorized:

(1) upon receiving information regarding the possible breach of any commitment in a signed pledge, to request any appropriate federal investigative authority to conduct such investigations as may be appropriate; and

(2) upon determining that there is a reasonable basis to believe that a breach of a commitment has occurred or will occur or continue, if not enjoined, to commence a civil action against the former employee in any United States District Court with jurisdiction to consider the matter.

(d) In such civil action, the Attorney General is authorized to request any and all relief authorized by law, including but not limited to:

(1) such temporary restraining orders and preliminary and permanent injunctions as may be appropriate to restrain future, recurring or continuing conduct by the former employee in breach of the commitments in the pledge he or she signed; and

(2) establishment of a constructive trust for the benefit of the United States, requiring an accounting and payment to the United States Treasury of all money and other things of value received by, or payable to, the former employee arising out of any breach or attempted breach of the pledge signed by the former employee.

Sec. 6. General Provisions. (a) No prior Executive orders are repealed by this order. To the extent that this order is inconsistent with any provision of any prior Executive order, this order shall control.

(b) If any provision of this order or the application of such provision is held to be invalid, the remainder of this order and other dissimilar applications of such provision shall not be affected.

(c) Except as expressly provided in section 5(b)(2) of this order, nothing in the pledges or in this order is intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

A handwritten signature in black ink, reading "William J. Clinton". The signature is written in a cursive style with a large, stylized "W" and "C".

THE WHITE HOUSE,
January 20, 1993.

April Moore

From: Jack Quinn
Sent: Thursday, December 07, 2000 4:40 PM
To: April Moore
Subject: Fw: Re: exec order 12834

File marc rich

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

-----Original Message-----

From: Kathleen_Behan@ [REDACTED] <Kathleen_Behan@ [REDACTED]>
To: JQuinn@ [REDACTED] <JQuinn@ [REDACTED]>
Sent: Thu Dec 07 13:48:02 2000
Subject: Re: exec order 12834

Certainly the plain language you have cited would not preclude your participation. I'd be happy to look at the whole order.

This communication may contain information that is legally privileged, confidential or exempt from disclosure. If you are not the intended recipient, please note that any dissemination, distribution, or copying of this communication is strictly prohibited. Anyone who receives this message in error should notify the sender immediately by telephone or by return e-mail and delete it from his or her computer.

Kathleen Behan Kathleen_Behan@ [REDACTED]
Arnold & Porter Telephone: (202) [REDACTED]
555 Twelfth Street, NW Fax: (202) [REDACTED]
Washington, DC 20004-1202 <http://www.arnoldporter.com>

December 19, 2000

Mr. Bruce Lindsey
The White House
2nd Floor, West Wing
Washington, DC 20502

Dear Bruce:

I want to follow up on an issue you raised in our conversation while in Belfast on the subject of a pardon for Marc Rich and Pinky Green. You expressed a concern that they are fugitives; and I told you they are not. Here is why: Rich and Green were in fact residing in Switzerland when they were indicted in September 1983. They (understandably in my mind) chose not to return to the US for a trial in light of all that had happened to them; particularly the enormous and overwhelmingly adverse and prejudicial publicity generated, I am sure, by then U.S. Attorney Giuliani. Their failure to return to New York was not a crime and no one has ever accused them of a crime for failing to come to the US for a trial. Indeed, even though they already lived outside the US at the time of the original indictment and even though the US Attorney's office issued a superceding indictment, in neither case did the office even suggest that their continued absence was an offense. Our review of the law in the area (18 USC 1073) similarly confirms to us that their conduct is not proscribed by federal law.

Still, much has been made of their absence and it is one of the principal excuses given by the U.S. Attorney's Office for its refusal even to hear highly respected independent legal scholars who view the central tax portion of the indictment as defective.

I look forward to speaking with you further.

Best personal regards.

Sincerely,


Jack Quinn

Jack Quinn

From: Jeff Connaughton
Sent: Saturday, January 27, 2001 4:40 PM
To: Jack Quinn
Subject: Talking Points

Jack,

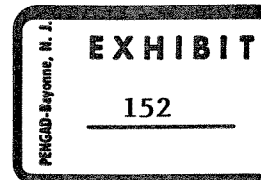
As complicated as it first appears to be, I think you have to make a convincing case tomorrow about why President Clinton was right to pardon Rich despite the fact that he's a fugitive. The fugitivity issue is what everyone feels strongest about, and is the rebuttal to your op-ed. The prosecutor under Giuliani was on Jim Lehrer last night (the same guy who was on with me on Burden), and he responded to your arguments about civil vs. criminal by saying, essentially, if all that is true, then Mr. Rich should have come to the U.S. and let the courts resolve the merits.

This forces you, in my mind, to accurately describe the "Kafka-esque" situation this case had become, justifying the president's action. After re-reading the pardon application, this would be my attempt at it.

TALKING POINTS ON FUGITIVITY

1. One has to understand the history of the criminal RICO statute to understand this case. It was passed by Congress in the 1970s to deal with Mafia-infiltration of legitimate businesses. It is a sledge-hammer of a prosecutorial weapon, designed to give prosecutors the tools to battle organized crime.
 2. US Attorney Rudy Giuliani was the first to use RICO in a tax case involving a dispute about revenue/tax allocation in a series of transactions structured by major U.S. oil companies. This was NOT what Congress intended.
 3. Because the Marc Rich companies had offices and assets in the US, Giuliani was able to use RICO -- despite the merits that everyone else had been pursued only civilly -- to bring those companies to their knees and plead guilty.
 4. Giuliani also added counts about trading oil with Iran, which inflamed the public opinion against Marc Rich, even though those charges were later quietly dropped against the companies.
 5. Since that time, the Justice Department has acknowledged that RICO is not appropriate for tax cases. Congress did not intend this sledgehammer for tax cases.
- So not only was Rich singled out for selective prosecution by Giuliani, Giuliani used an inappropriate sledgehammer to go after him.
5. And because RICO had been used to extract guilty pleas from the Marc Rich companies, Marc Rich was left with little hope of defending himself.
 7. This situation is compounded by the repeated and adamant refusal of the Southern District for the past 10 years to even discuss the indictment.
 8. It has created a Kafka-esque situation for Mr. Rich, with no resolution possible.
 9. As this week's press has made clear, he's convicted in the press of these allegations. Yet, the two leading U.S. tax authorities support Mr. Rich's position that he accounted for his taxes properly under the law.
 10. Only a pardon provides the mechanism for deciding whether Mr. Rich is more appropriately pursued civilly rather than criminally.

Jeffrey J. Connaughton
Quinn Gillespie & Associates LLC
1133 Connecticut Avenue, N.W.
Washington, DC 20036
Direct Dial 202-~~202-457-1110~~
Main Office 202-457-1110
Fax 202-457-1130



DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP

2101 L Street NW • Washington, DC 20037-1526

Writer's Direct Dial: [REDACTED]

E-Mail Address: [REDACTED]

December 15, 2000

BY HAND DELIVERY

Honorable John D. Podesta
Chief of Staff to the President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Re: Applications for Presidential Pardons

Dear John:

As a follow-up to our discussion on Monday, enclosed are materials concerning Applications for Presidential Pardons submitted on behalf of (a) Marc Rich and Pincus Green, and (b) James B. Coppinger. With respect to the application of Messrs. Rich and Green, enclosed are Jack Quinn's cover letter to the President and an executive summary of the application. As to Mr. Coppinger, enclosed are his personal statement of reasons for seeking a pardon and a cover letter from my partner, Barry Levine, to the Office of the Pardon Attorney, which sets forth, in the penultimate paragraph, a description of Mr. Coppinger's activities since his conviction.

We have represented Marc Rich and Pincus Green for more than fifteen years and I have been intermittently involved in the representation. Should you have any questions concerning the application, either Jack Quinn or I would be pleased to meet with you to address such issues.

As to James B. Coppinger, my partner, Barry Levine, and others have been primarily involved in the representation. Once again, if you have any questions concerning the application, Barry would be pleased to meet with you to address such issues.

I believe both petitions present compelling arguments for the issuance of Presidential Pardons. Thank you for your consideration of these matters.

Sincerely,



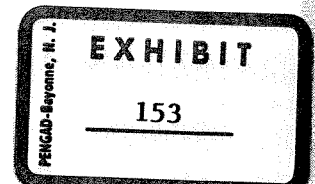
Peter J. Kadzik

PJK/lgd
Enclosures

1177 Avenue of the Americas • 41st Floor • New York, New York 10036-2714

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<http://www.dsma.com>



DSM0005

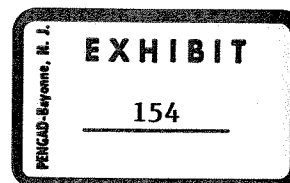
Green, G. Michael

From: Fink, Robert - NY [robert.fink@[REDACTED]]
Sent: Tuesday, January 02, 2001 6:07 PM
To: 'Jack Quinn'
Cc: 'Mike Green'

Mike spoke with his partner today who spoke to Podesta who said, in effect, that we are still in the running but we are fourth and long. It seems that there are many requests and only the ones being pushed by Beth or Bruce are being followed, so we have to get one of them strongly behind this. They have to become advocates. It is likely that all but the final decisions will be made at the end of this week, at least that is when the next decisions on pardons is to be made. It may pay to focus on HRC but the most important calls or visits may be to the people in the counsel's office. If you want more details Mike is at 202-[REDACTED] (office) or 703-[REDACTED] (home). And you are always welcome to call me at 212-[REDACTED] or 914-[REDACTED]. If we miss each other today, let's definitely talk tomorrow morning.
Bob

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Thank you.

For more information about Piper Marbury Rudnick & Wolfe, please visit us at <http://www.piperrudnick.com/>



Fink, Robert - NY

From: Fink, Robert - NY
Sent: Wednesday, January 03, 2001 9:31 AM
To: 'Avner'
Cc: 'Marc Rich'; 'Jack Quinn'; 'Kitty Behan'
Subject: RE: Status of application.

Yes, by rabbi I meant someone inside who is in favor of the pardon and working for it to be granted. Sorry about the lack of clarity, it is just common usage here. Bob

-----Original Message-----
From: Avner [SMTP:azulrich@redacted]
Sent: Wednesday, January 03, 2001 2:28 AM
To: Fink, Robert - NY; quinn jack; behan kathleen
Cc: Rich, Marc
Subject: Re: Status of application.

From your report I understand that the WH counsels are going to present recommendations this wknd to potus. I'd like to be sure about this because after Mr's mtgs this wknd - we expect repeat calls from here and from EW.

I don't understand the comment about the rabbi. Our book is full of rabbis. Could you get more specific?

----- Original Message -----
From: Fink, Robert - NY <robert.fink@redacted>
To: 'Avner Azulay' <azulrich@redacted>, 'Marc Rich' <marc.rich@redacted>
Sent: Wednesday, January 03, 2001 01:21
Subject: Status of application.

> I learned from Mike Green today that our case is still pending and is part
> of a large group that may be considered at the end of the week. But his
> friend told him that we need a rabbi among the people in the counsel's
> office (it seems that Mike's friend believes we do not have one yet), so I
> have written Jack to ask him to follow up with the two people there (Beth
> and Bruce), both of whom received our papers, both of whom he knows well
and
> both of whom he has already discussed this matter.
> Jack is traveling now, so I sent him an email and hope to speak with him
in
> the morning.
> Naturally, I will keep you posted.
> Best regards, Bob
>

> The information contained in this communication may be confidential, is
intended only for the use of the recipient named above, and may be legally
privileged. If the reader of this message is not the intended recipient,
you are hereby notified that any dissemination, distribution, or copying of
this communication, or any of its contents, is strictly prohibited. If you
have received this communication in error, please re-send this communication
to the sender and delete the original message and any copy of it from your
computer system.

> Thank you.

>

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